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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/537,995	03/29/2000	Shreedhar Madhavapeddi	2320	6754

7590

06/18/2003

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EXAMINER

TRAN, THIEN D

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/537,995

Applicant(s)

MADHAVAPEDDI ET AL.

Examiner

Thien D Tran

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim 39 is missing.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Regarding claims 29-38, the claimed invention is directed to non-statutory subject matter. Data structure's fields alone can't describe the invention in the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-42 are rejected under 35 U.S.C. 102(e) as being participated by Ravikanth (U.S Patent 6,327,274).

Regarding claims 1, 40, Ravikanth discloses a method for obtaining information for packets transmitted over a network, comprising:

transmitting a plurality of packets from a sender to a receiver, including at least one selected packet;

associating a sender-relative timestamp with each selected packet transmitted;

receiving at least some of the plurality of packets (col.4 lines 1-10);

associating a receiver relative timestamp with each selected packet received;

and

associating a latency based on the sender-relative timestamp and the receiver-relative timestamp associated with each selected packet received. See col.2 lines 5-60

Regarding claims 2, 20, Ravikanth discloses a method, wherein associating the sender-relative timestamp includes placing a local timestamp of the sender into each selected packet. See col.3 lines 60-65.

Regarding claim 3, Ravikanth discloses a method, wherein associating the receiver-relative timestamp includes placing a local timestamp of the receiver into each selected packet. See col.6 lines 25-45.

Regarding claims 4, 41, Ravikanth discloses a method, wherein associating the sender-relative timestamp includes placing a local timestamp of the sender into each selected packet, and associating the receiver-relative timestamp includes placing a local timestamp of the receiver into each selected packet. See col.5 lines 45-60.

Regarding claim 5, Ravikanth discloses a method further comprising uniquely identifying each selected packet. See col.4 lines 15-30.

Regarding claims 6, 31, Ravikanth discloses a method, wherein uniquely identifying each selected packet includes writing a sequence number. See col.6 lines 50-60.

Regarding claims 7, 22, 32, 33, 42 Ravikanth discloses a method further comprising normalizing the latency associated with each selected packet. See col.5 lines 15-35.

Regarding claims 8, 21, 23, 34, 38, Ravikanth discloses a method, wherein at least two selected packets are received, and wherein normalizing the latency includes selecting the lowest latency from each of the latencies associated with each selected packet. See col.5 lines 30-50.

Regarding claims 9, 25, Ravikanth discloses a method, wherein normalizing the latency includes detecting at least one timer jump and adjusting information maintained for each selected packet to compensate therefor. See col.6 lines 35-55.

Regarding claims 10, 24, 26-28, Ravikanth discloses a method, wherein normalizing the latency includes, detecting clock skew, and adjusting information maintained for each selected packet to compensate for the clock skew. See col.4 lines 20-40.

Regarding claim 11, Ravikanth discloses a method, wherein a plurality of selected packets is received, and wherein detecting clock skew includes logically finding a slope based on information maintained with the selected packets. See col.4 lines 40-65.

Regarding 12, Ravikanth discloses a method further comprising, normalizing the sender-relative timestamp, associated with each selected packet. See col.3 lines 30-65.

Regarding claim 13, Ravikanth discloses a method further comprising, normalizing the receiver-relative timestamp associated with each selected packet. See col.4 lines 1-10.

Regarding claim 14, Ravikanth discloses a method, wherein the network is a controlled network, and further comprising running a calibration phase during transmission of at least some of the transmitted packets. See col.6 lines 55-65.

Regarding claim 15, Ravikanth discloses method further comprising, generating noise by transmitting other packets on the network. See col.5 lines 60-63.

Regarding claim 16, Ravikanth discloses a method further comprising, enabling network quality of service. See figure 2.

Regarding claim 17, Ravikanth discloses a method further comprising, detecting dropped packets.

Regarding claim 18, Ravikanth discloses a computer-readable medium having computer executable instructions for performing. See figure 1.

Regarding claim 19, Ravikanth discloses a system for obtaining information transmitted over a network, comprising:

- a network sender system, including:

- a sender process configured to cause transmission of a plurality of selected packets on the network (col.4 lines 1-34); and

- a sender component configured to associate a sender timestamp of the sender with each selected packet (col.5 lines 5-20);

and,

- a network receiver system configured to receive each selected packet transmitted on the network, the receiver system including:

- a receiver component configured to associate a receiver timestamp with each selected packet received (col.6 lines 20-40); and

- a receiver process, the receiver process maintaining information corresponding to the sender timestamp and receiver timestamp, in association with each selected packet. See figure 1.

Regarding claims 29,30, 36, 37, Ravikanth discloses a computer-readable medium having stored thereon a data structure, comprising:

- a first field comprising data representative of a packet send time;

a second field comprising data representative of a packet receive time; and
a third field comprising data representative of a packet latency time. See col.2
lines 25-50.

Regarding claim 35, Ravikanth discloses a computer-readable medium having
stored thereon a data structure, comprising:

a first field comprising data representative of a packet sequence number;
a second field comprising data representative of a packet send time; and
a third-field comprising data representative of a packet receive time. See col.4
lines 15-55.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

-Meizlik et al (US Patent No. 6,112,323) discloses method and computer
program product for efficiently and reliably sending small data messages from a sending
system to a large number of receiving systems.

-Ofek (US Patent No. 6,377,579 B1) discloses interconnecting a synchronous
switching network that utilizes a common time reference with an asynchronous
switching network.

-Mckee et al (US Patent No. 5,477,531) discloses method and apparatus for
testing a packet-based network.

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6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



ALPUS H. HSU
PRIMARY EXAMINER